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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 WULFCO A LIMITED LIABILITY
COMPANY, a Nevada limited liability
16 company,

17 Plaintiff,

18 v.

19 NYE COUNTY, a political subdivision of
the State of Nevada,

20 Defendant.

Case No.: 2:24-cv-00223-RFB-DJA

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

**(SPECIAL SCHEDULING
REVIEW REQUESTED)**

21
22 Plaintiff WULFCO A LIMITED LIABILITY COMPANY (“Plaintiff”) and Defendant
23 NYE COUNTY (“Defendant” and with Plaintiff referred to herein as the “Parties”), by and
24 through undersigned counsel, hereby submit their Stipulated Discovery Plan and Scheduling
25 Order (the “Scheduling Order”) pursuant to Federal Rule of Civil Procedure 26(f) and Local
26 Rule 26-1(b).

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1 **1. Fed. R. Civ. P. 26(a) Initial Disclosures:**

2 Pursuant to Federal Rule of Civil Procedure 26(f), on September 16, 2024, Brenoch
3 Wirthlin, Esq. counsel for Plaintiff, and Brian Kunzi, Esq., counsel Defendant, conducted a
4 meeting to discuss the relevant issues for discovery, possible early resolution of the matter, and
5 other pertinent issues. Pursuant to these discussions, the parties agree that they will submit their
6 initial disclosures on or before ***Monday, September 30, 2024.***

7 **2. Discovery Cut-Off Date:**

8 Discovery will take not more than one hundred eighty (180) days from September 16,
9 2025.¹ Accordingly, all discovery must be completed no later than ***Tuesday, March 17, 2025.***

10 **3. Amending the Pleadings and Adding Parties:**

11 The date for filing motions to amend the pleadings or to add parties shall not be later than
12 ninety (90) days prior to the discovery cut-off date and, therefore, not later than ***Wednesday,***
13 ***December 4, 2024.***

14 **4. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

15 In accordance with Rule 26(a)(2), initial disclosures identifying experts shall be made
16 sixty (60) days prior to the discovery cut-off date, and therefore, not later than ***Thursday,***
17 ***January 16, 2025,*** and disclosures identifying rebuttal experts shall be made thirty (30) days
18 after the initial disclosure of experts and, therefore, not later than ***Monday, February 17, 2025.***

19 **5. Dispositive Motions:**

20 The parties shall file dispositive motions not more than (30) days after the discovery cut-
21 off date and, therefore, not later than ***Wednesday, April 16, 2025.***

22 **6. Pretrial Order:**

23 If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint
24 Pretrial Order shall be filed not more than thirty (30) days after the date set for filing dispositive
25 motions and, therefore, not later than ***Friday, May 16, 2025.***

26 ¹ The parties acknowledge that Defendant filed a motion to dismiss on May 20, 2024. LR 26-1(b)(1)'s 180-day
27 presumptive discovery period would thus have normally ended on Monday, November 16, 2024. However, due to
28 the pendency of Defendant's current Motion to Dismiss, Defendant is stipulating to the 180-day discovery period
 running from September 16, 2024, as stated in this report.

1 **7. Fed. R. Civ. P. 26(a)(3) Disclosures:**

2 If no dispositive motions are filed, and unless otherwise ordered by this Court, the parties
3 shall file the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto with the
4 Pretrial Order pursuant to LR 26-1(e)(6) in the Joint Pretrial Order, not more than thirty (30)
5 days after the date set for filing dispositive motions and, therefore, not later than ***Friday, May 16,***
6 ***2025.***

7 **8. Alternative Dispute Resolution:**

8 The parties certify they have met and conferred about the possibility of using alternative
9 dispute-resolution processes including mediation, arbitration and early neutral evaluation.

10 **9. Alternative Forms of Case Disposition:**

11 The parties certify they considered consent to trial by a magistrate judge under 28 U.S.C.
12 § 636(c) and Fed.R.Civ.P. 73 and the use of the Short Trial Program (General Order 2013-01).

13 **10. Electronic Evidence:**

14 The parties anticipate a jury trial in this matter and certify they have discussed whether
15 they intend to present evidence in electronic format to jurors for the purposes of jury
16 deliberations. Discussions between the parties will be ongoing as the trial date approaches and
17 any electronic evidence will be presented in a format compatible with the Court's electronic jury
18 evidence display system.

19 **11. Extensions or Modifications of the Discovery Plan and Scheduling Order:**

20 In accordance with Local Rule 26-3, a stipulation or motion for modification or extension
21 of this discovery plan and scheduling order must be made no later than twenty-one (21) days

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1 before the expiration of the subject deadline.

2 Respectfully submitted this 26th day of September 2024.

3
4 HUTCHISON & STEFFEN

BRIAN T. KUNZI
NYE COUNTY DISTRICT ATTORNEY

5
6 /s/ Brenoch Wirthlin


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/s/Brian Kunzi

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12
13 **ORDER**

14 IT IS SO ORDERED:

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17 UNITED STATES MAGISTRATE JUDGE

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19 DATED: 9/30/2024